

section 3121(x) of the Internal Revenue Code of 1986; or

* * * * *

§ 552.2 [Amended]

3. In § 552.2, paragraph (b), the reference in the first sentence of the concluding text is revised to read "Section 7(l)" instead of "Section 7(1)" (substituting a lower case letter "l" for the number "1" in the parentheses).

4. In Section 552.100 (paragraphs (a)(1), (c) and (d) are revised to read as follows:

§ 552.100 Application of minimum wage and overtime provisions.

(a)(1) Domestic service employees must receive for employment in any household a minimum wage of not less than that required by section 6(a) of the Fair Labor Standards Act.

* * * * *

(c) For enforcement purposes, the Administrator will accept a credit taken by the employer of up to 37.5 percent of the statutory minimum hourly wage for a breakfast (if furnished), up to 50 percent of the statutory minimum hourly wage for a lunch (if furnished), and up to 62.5 percent of the statutory minimum hourly wage for a dinner (if furnished), which meal credits when combined do not in total exceed 150 percent of the statutory minimum hourly wage for any day. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing meals, whichever is less, as determined in accordance with part 531 of this chapter, if such cost or fair value is different from the meal credits specified above: *Provided, however,* That employers keep, maintain and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures.

(d) In the case of lodging furnished to live-in domestic service employees, the Administrator will accept a credit taken by the employer of up to seven and one-half times the statutory minimum hourly wage for each week lodging is furnished. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing lodging, whichever is less, as determined in accordance with part 531 of this chapter, if such cost or fair value is different from the amount specified above, *provided however,* that employers keep, maintain, and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures. In determining reasonable cost or fair value, the regulations and rulings in 29 CFR part 531 are applicable.

§ 552.101 [Amended]

5. In § 552.101, the parenthetical reference in the first sentence of paragraph (a) is revised to read "(20 CFR 404.1057)".

6. In § 552.104, paragraph (b) is revised to read as follows:

§ 552.104 Babysitting services performed on a casual basis.

* * * * *

(b) Employment in babysitting services would usually be on a "casual basis," whether performed for one or more employees, if such employment by all such employers does not exceed 20 hours per week in the aggregate. Employment in excess of these hours may still be on a "casual basis" if the excessive hours of employment are without regularity or are for irregular or intermittent periods. Employment in babysitting services shall also be deemed to be on a "casual basis" (regardless of the number of weekly hours worked by the babysitter) in the case of individuals whose vocations are not domestic service who accompany families for a vacation period to take care of the children if the duration of such employment does not exceed 6 weeks.

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§ 552.105 [Amended]

7. In § 552.105, the reference in the fourth sentence of paragraph (a) is revised to read "section 3(s)(1)(B) of the Act * * *".

[FR Doc. 95-22141 Filed 9-7-95; 8:45 am]

BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 52-1-7109, PA 53-1-7110, PA 55-1-7111, PA 61-1-7112, PA 66-1-7113; FRL-5272-6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NO_x RACT and Synthetic Minor Permit Conditions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on eleven major sources and establishes permit conditions to limit one source's

emissions to below major source levels. The intended effect of this action is to approve source-specific plan approvals and operating permits, which establish the above-mentioned requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective November 7, 1995 unless notice is received on or before October 10, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597-9337, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: On January 6, 1995, April 24, 1995 and May 31, 1995, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revision consists of a group of plan approvals and operating permits for individual sources of volatile organic compounds and/or nitrogen oxides located in Pennsylvania. This rulemaking addresses those plan approvals and operating permits pertaining to the following sources: (1) PECO Energy—Eddystone, (2) Gilberton Power Company, (3) Bethlehem Steel Structural Products Corp., (4) Westwood Energy Properties, Inc., (5) PECO Energy Co.—Front Street, (6) Crawford Furniture Manufacturing Corp., (7) Schuylkill Energy Resources, (8) Panther Creek Partners, (9) Columbia Gas Transmission Co.—Milford, (10) Texas Eastern Transmission Corp.—Entriiken, (11) Columbia Gas Transmission Corp.—Greencastle, (12) Lord Corporation. The other plan approvals and operating permits submitted together with these being

approved today will be addressed in another rulemaking action.

Pursuant to section 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NOx sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in section 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The January 6, 1995, April 24, 1995 and May 31, 1995 Pennsylvania submittals that are the subject of this document are meant to satisfy the RACT requirements for eleven sources in Pennsylvania and to limit the potential VOC emissions at a source to below the major source size threshold in order to avoid RACT.

Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document and will not be reiterated in this document. Briefly, EPA is approving one plan approval and fourteen operating permits as RACT and one operating permit as a revision to the Pennsylvania SIP to limit a source's emissions to below the major source threshold. Several of the plan approvals and operating permits contain conditions irrelevant to the determination of VOC or NOx RACT. Consequently, these provisions are not being included in this approval for VOC or NOx RACT.

RACT

EPA is approving the plan approval (PA 23-0017) and operating permit (OP 23-0017) for PECO Energy—Eddystone, located in Delaware County. PECO Energy—Eddystone is a utility and considered a major source of NOx emissions. EPA is approving the operating permit (OP 54-0004) for Gilberton Power Company, located in Schuylkill County. Gilberton Power is a utility and considered a major source of

NOx emissions. EPA is approving four operating permits (OP 48-0010, OP 48-0013, OP 48-0014, and OP 48-0015) for Bethlehem Structural Products Corporation, located in Northampton County. Bethlehem Structural Products is a steel manufacturer and considered a major source of VOC and NOx emissions. EPA is approving the operating permit (OP 54-0006) for Westwood Energy Properties, Inc., located in Schuylkill County. Westwood Energy Properties, Inc. is a utility and is considered a major source of NOx emissions. EPA is approving the operating permit (OP 46-0045) for PECO Energy Company—Front Street, located in Montgomery County. PECO Energy Company—Front Street is a utility with a natural gas combustion turbine and is considered a major source of NOx emissions. EPA is approving the operating permit (OP 16-021) for Crawford Furniture Manufacturing Corporation, located in Clarion County. Crawford Furniture Manufacturing Corp. is a wood furniture manufacturer and is considered a major source of VOC emissions. EPA is approving the operating permit (OP 54-0003) for Schuylkill Energy Resources, located in Schuylkill County. Schuylkill Energy Resources is a cogeneration plant and is considered a major source of NOx emissions. EPA is approving the operating permit (OP 13-0003) for Panther Creek Partners, located in Carbon County. Panther Creek Partners is a utility and is considered a major source of NOx emissions. EPA is approving the operating permit (OP 52-0001) for Columbia Gas Transmission Company—Milford Compressor Station, located in Pike County. Columbia Gas Transmission Co.—Milford consists of twenty-seven (27) compressor stations and is considered a major source of NOx emissions. EPA is approving the operating permit (OP 31-2003) for Texas Eastern Transmission Corporation—Entriken Compressor Station, located in Huntingdon County. Texas Eastern Transmission Corp. is a natural gas pipeline compressor station and is considered a major source of NOx emissions. EPA is approving the operating permit (OP 28-2003) for Columbia Gas Transmission Corporation—Greencastle Compressor Station, located in Franklin County. Columbia Gas Transmission Corp.—Greencastle is a compressor station and is considered a major source of NOx emissions. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support document, which is

available from the EPA Region III office. Several of the plan approvals/operating permits contain a provision that allows for future changes to the emission limitations based on CEM or other monitoring data. Since EPA cannot approve emission limitations that are not currently before it, any changes to the emission limitations as submitted on January 6, 1995, April 24, 1995 and May 31, 1995 to EPA must be resubmitted to and approved by EPA in order for these changes to be incorporated into the Pennsylvania SIP. Consequently, the source-specific RACT emission limitations that are being approved into the Pennsylvania SIP are those that were submitted on the above-mentioned dates and are the subject of this rule. These emission limitations will remain unless and until they are replaced pursuant to 40 CFR Part 51 and approved by the U.S. EPA.

Synthetic Minor Source Permit

EPA is approving the operating permit (OP 25-095) for Lord Corporation, located in Erie County. Lord Corporation is an aerospace surface coater and had potential VOC emissions greater than 50 TPY. The approval of these conditions will limit the emissions at this facility to less than 50 TPY and would allow Lord Corp. to avoid being considered a major VOC source, subject to the major source RACT requirements of the Clean Air Act and the Pennsylvania regulation.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document elsewhere in this **Federal Register**, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective November 7, 1995 unless, by October 10, 1995, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on November 7, 1995.

Final Action

EPA is approving the one plan approval and fourteen operating permits

as RACT and one operating permit to limit emissions at Lord Corporation to below major source levels.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator

for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the VOC and NOx RACT approval of eleven sources and the synthetic minor permit conditions for Lord Corporation, must be filed in the United States Court of Appeals for the appropriate circuit by November 7, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 18, 1995.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(102) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(102) Revisions to the Pennsylvania Regulations Chapter 129.91 submitted on January 6, 1995, April 24, 1995 and May 31, 1995 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Four letters, two dated January 6, 1995, one dated April 24, 1995, and one dated May 31, 1995, from the Pennsylvania Department of Environmental Resources transmitting source-specific VOC and/or NOx RACT determinations in the form of plan approvals and/or operating permits for the following sources: (1) PECO Energy—Eddystone (Delaware Co.)—utility, (2) Gilberton Power Company

(Schuylkill Co.)—utility, (3) Bethlehem Steel Structural Products Corp. (Northampton Co.)—steel manufacturer, (4) Westwood Energy Properties, Inc. (Schuylkill Co.)—utility, (5) PECO Energy Co.—Front Street (Montgomery Co.)—utility, (6) Crawford Furniture Manufacturing Corp. (Clarion Co.)—furniture manufacturer, (7) Schuylkill Energy Resources (Schuylkill Co.)—cogeneration plant, (8) Panther Creek Partners (Carbon Co.)—utility, (9) Columbia Gas Transmission Co.—Milford (Pike Co.), (10) Texas Eastern Transmission Corp.—Entriaken (Huntingdon Co.)—Natural gas pipeline compressor station, (11) Columbia Gas Transmission Corp.—Greencastle (Franklin Co.). In addition, the operating permit for Lord Corporation (Erie Co.), aerospace surface coating operation containing provisions limiting this source as a synthetic minor source (below RACT threshold level of 50 TPY potential VOC emissions) is being approved.

(B) Plan approvals (PA), Operating permits (OP):

(1) PECO Energy—Eddystone—PA 23-0017, effective December 28, 1994, except the expiration date of the plan approval, and OP 23-0017, effective December 28, 1994, except the expiration date of the operating permit and conditions 6.C.(1) through (7), 6.D.(1)(c), 7.C.(1) through (5), 7.D.(1)(a) and 8.D.(1)(a) pertaining to SO₂ or PM₁₀ requirements.

(2) Gilberton Power Company—OP 54-0004, effective December 20, 1994, except the expiration date of the operating permit and condition 5 pertaining to SO₂ and PM₁₀ requirements.

(3) Bethlehem Structural Products Corp.—OP 48-0010, effective December 20, 1994, except the expiration date of the operating permit, OP 48-0013, effective December 20, 1994, except the expiration date of the operating permit and condition (11)(d) through (f) pertaining to sulfur and metals, OP 48-0014, effective December 20, 1994, except the expiration date of the operating permit and conditions (8) and (9) pertaining to particulate matter, and OP 48-0015, effective December 20, 1994, except the expiration date of the operating permit and conditions (9) and (10) pertaining to visible emissions and particulate matter.

(4) Westwood Energy Properties, Inc.—OP 54-0006, effective December 27, 1994, except the expiration date of the operating permit and the particulate and SO₂ emission limitations in condition (5).

(5) PECO Energy Company—Front Street—OP 46-0045, effective March 31,

1995, except the expiration date of the operating permit.

(6) Crawford Furniture Manufacturing Corp.—OP 16-021, effective March 27, 1995.

(7) Schuylkill Energy Resources—OP 54-0003, effective May 19, 1995, except the expiration date of the operating permit.

(8) Panther Creek Partners—OP 13-0003, effective May 19, 1995, except the expiration date of the operating permit, the non-VOC emission requirements in condition (7), and conditions (8) and (9).

(9) Columbia Gas Transmission Company—Milford—OP 52-0001, effective May 19, 1995, except the expiration date of the operating permit.

(10) Texas Eastern Transmission Corp.—OP 31-2003, effective May 16, 1995, except the expiration date of the operating permit.

(11) Columbia Gas Transmission Corp.—Greencastle—OP 28-2003, effective April 21, 1995, except the expiration date of the operating permit.

(12) Lord Corporation—OP 25-095, effective March 30, 1995.

[FR Doc. 95-22134 Filed 9-7-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[AR-FRL-5293-1]

Clean Air Act Final Interim Approval of Operating Permits Program; the State of Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Interim Approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits program submitted by the Arkansas Department of Pollution Control and Ecology (ADPCE) for the State of Arkansas for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: October 10, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location:

U. S. Environmental Protection Agency, Region 6, Air Programs Branch (6PD-R), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219-8913.

FOR FURTHER INFORMATION CONTACT: Wm. Nicholas Stone, Air Permits Section (6PD-R), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7226.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments, sections 501-507 of the Clean Air Act ("the Act"), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and submit Operating Permits programs to the EPA by November 15, 1993, and that the EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, the EPA may grant the program interim approval for a period of up to two years. If the EPA has not fully approved a program by two years after the date of November 15, 1993, or by the end of an interim program, it must establish and implement a Federal program.

On September 19, 1994, the EPA proposed interim approval of the Operating Permits program for the State of Arkansas. See 59 FR 47828 (September 19, 1994). The EPA received public comment on the proposal and compiled a Technical Support Document which describes the Operating Permits program in greater detail. In this document, the EPA is taking final action to promulgate interim approval of the Operating Permits program for the State of Arkansas.

II. Final Action and Implications

A. Analysis of State Submission

The State of Arkansas submitted to the EPA, under a cover letter from the Governor dated October 29, 1993, the State's Operating Permits program. The submittal has adequately addressed all 16 elements required for full approval as discussed in part 70, with the exception of five interim issues listed in the proposal: (1) Reference of Prevention of Significant Deterioration (PSD) applicability for new construction and modification, (2) incorporation by reference of the part 70 provisions regarding complete application requirements and permit content requirements, (3) revision of the minor modification procedure, (4) providing a

definition of the term "prompt", and (5) submission of a State Implementation Plan (SIP) revision for Regulation 19 consistent with Regulation 26. The State of Arkansas appropriately addressed all requirements necessary to receive interim approval of the State Operating Permits program pursuant to title V of the Act and 40 CFR part 70.

B. Response to Comments

Comments were received from three groups during the comment period that ran from September 19, 1994, until October 19, 1994. Listed below are the responses to comments received on the proposed interim approval for the Arkansas Operating Permits program.

1. Section 112(g) Implementation

Comments were made that the EPA should not allow Arkansas to implement section 112(g) until Federal rulemaking is complete. Also, objections were made to the State's use of its preconstruction permit process to implement section 112(g) requirements.

The EPA does not agree with the comment. In its proposed interim approval of Arkansas' part 70 program, the EPA proposed to approve the State's preconstruction review program for the purpose of implementing section 112(g) during the transition period before promulgation of a Federal rule implementing section 112(g). This proposal was based in part on an interpretation of the Act that would require sources to comply with section 112(g) beginning on the date of approval of the title V program, regardless of whether the EPA had completed its section 112(g) rulemaking. The EPA has since revised this interpretation of the Act in a **Federal Register** notice published on February 14, 1995, 60 FR 8333. The revised interpretation postpones the effective date of section 112(g) until after the EPA has promulgated a rule addressing that provision. The revised notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that the EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow States time to adopt rules implementing the Federal rule, and that the EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until the EPA provides for such an additional postponement of section 112(g), Arkansas must be able to implement section 112(g) during the transition period between promulgation of the Federal section 112(g) rule and